

Ray trial awaits judge recusal

By **KIRK LOGGINS**

Staff Writer

James Earl Ray's attempt to get a trial has been stalled for the past three months, because Shelby County Criminal Court Judge Joe Brown has not ruled on a prosecution request that he get off the case.

"Nothing else can happen until he rules on that," said the lead prosecutor in the Ray case, Shelby County Assistant District Attorney John Campbell.

Brown has been critical for some time of Shelby County prosecutors' investigation of the 1968 assassination of the Rev. Martin Luther King Jr., and he has made several rulings favorable to Ray since Ray's latest petition for post-conviction relief was assigned to him in 1994.



BROWN

Ray pleaded guilty in 1969 to shooting the civil rights leader, but he began attempting to withdraw his plea three days later. He has maintained for years that he was an unwitting patsy in a conspiracy to assassinate King.

Brown said in August, as he was considering whether to order

a second round of tests on the rifle that police believe Ray used to kill King, "The state [Shelby County prosecutors] appears singularly opposed to vigorously proceeding to ascertain the true facts of this case ..."

He also said "it may be appropriate" to appoint a master or special prosecutor to "achieve a neutral, detached and vigorous pursuit of the facts in this case."

Brown appeared to be leaning toward ordering another round of ballistics tests, even though three experts selected by Ray's lawyers test-fired the gun last spring and said results were inconclusive.

But the Tennessee Court of Criminal Appeals ordered Brown Aug. 29 to stop acting as an "investigator" in the Ray case.

The appeals court stopped short of ordering Brown to take no further action in the case, but said Brown had "crossed the line" between being a "fair and impartial" judge and an investigator.

Prosecutors filed a motion asking Brown to recuse himself early in September, but the judge has not yet ruled on the request.

Brown, a flamboyant judge, went to Los Angeles in October to tape a pilot for a proposed syndicated TV show on legal issues.

Campbell said that prosecutors have been taking a new look, meanwhile, at evidence devel-

oped in the past few years that points to the involvement of other people in the King assassination.

"We're trying to look at the stuff that is truly new. If we find credible evidence that implicates a person in the crime, that is something we could prosecute. The problem that we run into is that so many people have slogged around in this case that it will be very hard to find credible evidence."

He said investigators have heard that Loyd Jowers, the former Memphis restaurant owner who told a national TV audience in 1993 that he hired someone to shoot King, has recently made "material changes" in his story.

But, Campbell said, "We can't go talk to him" without granting him immunity from prosecution. And that's something that prosecutors have so far refused to do.

Campbell said a trial for Ray would probably not answer the questions many people have about whether others were involved in the King assassination.

"Our job is not to write history ... The legal system is terrible for trying to look at broad issues like this."

Campbell said there is "strong" proof that Ray shot King.

"If he hasn't told the true story yet, why would he all of a sudden to it now? ... If he dies in prison, that's where he needs to die." ■

Gump and the "media hoax" he pulled in 1995, when he traveled to El Salvador to "propose" to O.J. Simpson's former housekeeper, Rosa Lopez, who was a reluctant witness in the Simpson murder trial.

Gabriel said he has pressed prison officials to put more healthful drinks and snacks in the vending machines, for the benefit of Ray and other inmates. He said he routinely takes orange juice to Ray, who has changed his diet to try to combat the liver disease.

Gabriel has established a James Earl Ray Web site on the Internet — from which he is appealing for donations to a fund to pay for a

liver transplant for Ray.

He is also attempting to sell "cat yoga" telephone cards bearing his photograph, as well as prints of paintings Ray has made in prison — all, he says, for Ray's benefit.

State charitable solicitation officials say that it's legal to raise funds to help someone with a "catastrophic illness," without having to register with the state.

Ray was taken to Memorial Hospital again Friday for what prison officials described as "tests."

Transplant specialists at the University of Pittsburgh said last summer that Ray meets their criteria

for a liver transplant, but the Tennessee Correction Department has refused to let him leave the state for medical treatment.

Ray's London-based lawyer, William Pepper, said last month that Ray needs to put down \$250,000 as a deposit before he can be placed on a national waiting list for a new liver.

The Rev. James Lawson of Los Angeles, a civil rights activist who was with King when he was killed, is raising money for the transplant through his Martin Luther King Truth and Justice Fund. ■

Staff writer Duren Cheek contributed to this report.